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10 Assistant City Attorney
11 Attorney for Defendants City of Phoenix

12 **IN THE UNITED STATES DISTRICT COURT**

13 **FOR THE DISTRICT OF ARIZONA**

14 DIANNE BARKER,

15 Plaintiff,

16 vs.

17 CITY OF PHOENIX, MUNICIPAL
18 CORPORATION; MAYOR PHILIP
19 GORDON; 21ST CENTURY INS. OF S
20 WEST; JOSE MESA RAMIREZ; AND
21 JIMMY MESA MUNETON, et al.,

22 Defendants.

23 No.

24 (Superior Court Case No. CV2011-
011978)

25 **DEFENDANT CITY OF
26 PHOENIX'S NOTICE OF
27 REMOVAL**

28 Defendant City of Phoenix, ("Phoenix") by and through undersigned
29 counsel, and pursuant to 28 U.S.C. § 1441(b) and LRCiv 3.7, hereby notices the removal
30 of a certain civil action commenced and now pending in the Superior Court of the State
31 of Arizona, in and for the County of Maricopa entitled *Dianne Barker, Plaintiff v. City*
32 *of Phoenix, et al*, Defendants, Civil Action No. CV2011-011978, and in support of
33 removal asserts the following:

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1 1. Petitioner is a Defendant in the Superior Court of the State of Arizona in
2 and for the County of Maricopa under the caption DIANNE BARKER, Plaintiff v. CITY
3 OF PHOENIX, MUNICIPAL CORPORATION; MAYOR PHILIP GORDON; 21ST
4 CENTURY INS OF S WEST; JOSE MESA RAMIREZ and JIMMY MESA
5 MUNETON, et al., Defendants, Maricopa County Superior Court Case No. CV2011-
6 011978. Copies of the Complaint and all other documents previously filed in this matter
7 are in Exhibit "A" of the Index filed simultaneously with this pleading.

8 2. The first date upon which Phoenix received a copy of the Complaint was
9 July 20, 2011, in which a copy was delivered to the Phoenix City Clerk.

10 3. Plaintiff has asserted claims of violations of Civil Rights ("unequal
11 protection" via U.S. Constitution, "First Amendment Constitution [sic] Free Speech
12 Right," "ADA 1990, Rehab. Act 1973 Civil Rights laws," and "42 U.S.C. 1983").

13 4. This Notice of Removal is being filed within 30 days after service of the
14 Complaint and is therefore timely under 28 U.S.C. § 1446(b).

15 5. A Notice of Filing of Notice of Removal has been filed in the Arizona
16 Superior Court, County of Maricopa, on behalf of Phoenix. A true and correct copy of
17 the Notice is in Exhibit "B" of the Index filed simultaneously with this pleading.

18 WHEREFORE, Phoenix respectfully request that the above action now pending in
19 the Arizona Superior Court, Maricopa County, be removed to this Court.

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24 ...

1 RESPECTFULLY SUBMITTED this 5th day of August 2011.

2 GARY VERBURG, City Attorney

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4 By /S/Christina E. Koehn
5 Christina E. Koehn
6 Assistant City Attorney
7 200 West Washington, Suite 1300
Phoenix, Arizona 85003-1611
8 Attorneys for Defendants City of Phoenix and
9 Mayor Philip Gordon

10 A COPY of the foregoing Electronically
11 filed with the court this 5th day of August 2011.

12 and COPY of the foregoing mailed to:

13 Dianne Barker
14 3219 East Camelback Road, #393
15 Phoenix, AZ 85018
16 Plaintiff Pro Per

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18 By /s/A. Valenzuela
19 CEK:AV#925323_1.DOC

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